

**MINUTES**  
**KNOXVILLE HISTORIC ZONING COMMISSION**  
**KNOX COUNTY HISTORIC ZONING COMMISSION**  
**MEETING APRIL 21, 2016**

<b>Knoxville Historic Zoning Commission</b>				
<b>Commissioner</b>	<b>Present</b>	<b>Absent</b>	<b>Excused</b>	<b>Arrived</b>
Sean Bolen, Vice Chair			x	
Bart Carey	x			
Steve Cotham	x			
Faris Eid	x			
Lorie Matthews, Chair	x			
Melissa McAdams	x			
Sandi Swilley	x		Left at 11:00	
Jason Woodle	x			8:45
open				

<b>Knox County Historic Zoning Commission</b>				
<b>Commissioner</b>	<b>Present</b>	<b>Absent</b>	<b>Excused</b>	<b>Arrived</b>
Bill Belser			x	
David Butler, Chair			x	
Mike Crowder			x	
George Ewart, Vice Chair			x	
Scott Smith	x			

<b>Staff/Others Present</b>	<b>Affiliation</b>
Crista Cuccaro	City Law Department
Marty Clay	City Plans Review and Inspections
Dori Caron	MPC
Scott Elder	City Plans Review and Inspections
Kaye Graybeal	MPC
James Pierce	Old North Knoxville Neighborhood Representative
Arin Streeter	Fourth and Gill Neighborhood Representative
Jed Dance	Property Owner
Bill Lyons	City of Knoxville
Kim Trent	Knox Heritage
Jonathan Wilons	Applicant
David Holmes	Applicant
Vaughn McCoy	Applicant
Carl Lansden	Applicant
Jake Thomas	Applicant
Nathan Honeycutt	Applicant

There was no county business therefore the Knox County Historic Zoning Commission did not convene.

Knoxville Historic Zoning Comm. Chair Matthews called the meeting to order at 8:36 am. Roll call was taken and it was noted there was a City quorum. Comm. Chair Matthews stated that the meeting was being televised and recorded. She also asked that speakers limit their presentations to five minutes and to sign in when they reached the podium. She then noted that any appeals to Commission decisions can be taken to Chancery Court if appealed within 60 days. Comm. Chair Matthews then swore in all Applicants and visitors that planned to speak on any Agenda item.

**Action: A Motion was made by Comm. Carey to approve the March 17, 2016 Minutes. The Motion was seconded by Comm. McAdams. The Motion carried unanimously.**

**Result: Approved.**

**Reports to Commission:** There were no reports to Commission.

**Staff Report:** Ms. Graybeal reviewed the Level I Certificates approved since the last meeting.

### **CERTIFICATES OF APPROPRIATENESS**

Chair Lorie Matthews announced that the Commission has had a request by the property owner of the Cal Johnson building, 301 State Street, for a postponement and noted that the Board will need to vote on that postponement. Kaye Graybeal reviewed the role of the Commission regarding whether or not the building is historically significant. The owner, Jed Dance did not know until recently that this was going forward before the Historic Zoning Commission and would like more time to understand the process and what the role of each body is that is reviewing this proposal. Comm. Scott Smith, also an MPC commissioner noted Mr. Dance does not support the rezoning and further that the MPC voted against recommending that the property be rezoned after hearing it at length at the recent MPC meeting, a fact also noted by Comm. Carey. He noted Mr. Dance contacted him last night indicating he did not understand this whole process and needed more time to assess it. Crista Cuccaro described the process that would need to be undertaken for an H-1 Overlay to be applied to the property. Ms. Cuccaro clarified that the Commission is tasked with making a recommendation on the historical significance of the property and whether an overlay would be appropriate but it is not involved in the legislative process of rezoning. Mr. Dance asked Ms. Cuccaro to review the appeal process as he was unaware that it was being heard today until last evening, which she then proceeded to do. There was also discussion about the timeline of past and future events surrounding this request.

**Action: Comm. Eid, in light of the short notice to the property owner, noting even though he personally agrees that the property is worthy of an historic designation, moved to postpone [consideration of the application submitted for 301 State Street (Cal Johnson building)] for 30 days. The Motion was seconded by Comm. Carey.**

There was further discussion surrounding the role of the Commission in historic preservation as well as the confusion the process, as it has moved forward, has generated.

There was a call for a vote for the Motion on the floor.

**Comm. Chair Matthews noted there was a call to vote on the Motion on the floor. It was quickly determined a voice count was indicated. A voice count was taken. The Motion fails with Comms. Cotham, Matthews, McAdams and Woodle voting no, and Comms. Carey, Eid and Swilley voting yes. The Motion to postpone for 30 days fails and this Item will be heard later in the present meeting as previously scheduled.**

#### **Fourth and Gill H-1**

706 Luttrell St - Construct carport (3-F-16-HZ)

**Discussion:** Ms. Graybeal noted the [actual] correct dimensions are reflected on the drawings (17 ft. deep by 14 ft. wide by 14 ft. high, the interior of the ceiling will be 9.5 ft., the roof pitch will be 8 x 12 with 12 inch overhangs with 8 x 8 support posts). Applicant Jonathan Wilons was present and had nothing further to add. Arin Streeter, neighborhood representative was present and noted the neighborhood had questioned the accuracy/scale of the renderings. He noted that the rendering was perhaps drawn 3 feet too narrow, which would reflect a roof approximately 1 foot taller, noting that if that was the actual final size the neighborhood would not object.

**Action: Comm. Eid moved that the application for 706 Luttrell Street be approved based on the evidence submitted and the information provided in the staff report, and per staff recommendation and with the following conditions: that the building be constructed to the written specifications (17 ft. deep x 14 ft. wide, 9.5 ft. tall to the ceiling, 8/12 pitched roof with 12-inch overhangs, and 8 x 8 posts) and that the roof can be up to 15 feet tall or as needed to maintain the 8 x 12 pitch.** There was a brief discussion on the types of siding to be used on the gables. **Comm. Eid further moved that the Applicant is to use wood shingles or wood siding in the gables [the Applicant needs to obtain a building permit from Plans Review and Inspections]. The Motion was seconded by Comm. Carey. The Motion carried unanimously.**

**Result: Approved with conditions.**

#### **Old North Knoxville H-1**

129 E Oklahoma Ave - Rear addition; door and window replacement (3-E-16-HZ) Approved with Conditions

**Discussion:** Owner David Holmes was present and had nothing further to add. Neighborhood representative James Pierce noted the neighborhood agrees with and supports staff's recommendation with regards to the rear balconies. They would like to follow up with the proposal regarding the front door and window and want to ensure whatever is replaced there has been proven to have appropriate evidence of it being as it was originally regards to placement and design. Discussion ensued with regards to sufficient evidence being present to support the diamond window. Mr. Holmes noted there was the same framing under the front siding when it was removed, including an old stud. Mr. Holmes again noted they would be OK with simply covering it with siding, although they would prefer to have the window for aesthetic purposes.

**Action: Comm. McAdams moved that the application submitted for 129 East Oklahoma Ave. be approved based on the evidence submitted and the information provided in the staff report, per staff recommendation with the stated conditions as follows: the type of windows [casement vs. double-hung] on the rear porch enclosure be approved by staff, that there be wood vertical wainscoting below the windows; that wood framing for the proposed diamond shaped window match the type and width of that which existed on the original window openings and [is] based on submitted [by the Applicant] documentation of historical significance. The Motion was seconded by Comm. Carey. The Motion carried unanimously.**

**Result: Approved with conditions.**

1335 Armstrong Ave - frame fire escape on side of house (4-B-16-HZ)

**Discussion:** Owner Vaughn McCoy was present and noted that according to the City Directory the steps have been there since 1963. He noted he became aware that the steps needed replacing and proceeded to do so. He does not understand why there is a difference between “repair” and “replace.” He noted there have been multiple deaths related to not being able to escape a fire on this street over the years. The house used to be an apartment building, hence the fire escape stairs. He feels he was doing the right thing to replace the stairs and not just patch them as it is simply safer. Mr. McCoy noted he was willing to do whatever the Commission feels would make the stairs less inappropriate. He also noted the original stairs were straight and did not wrap around the house as do the new stairs. It was clarified that the existing stairs were torn down approximately 2 months ago with the new stairs being constructed at that time. It was also clarified there used to be 7 apartments in the building but now it is back to a single family. Ms. Graybeal noted the stairs that were removed had been identified as a pre-existing, non-conforming structure, and once removed, would need to be replaced with a conforming structure. It was also clarified that the new stairs meet code; however, there was no permit pulled for the work. Neighborhood representative James Pierce stated the neighborhood feels the stairs should be considered new construction. The neighborhood does not support the design nor the installation of the stairs as they do not meet the guidelines and that any approval would set a precedent for others to build like stairs. Chief Building Inspector Marty Clay noted there was no requirement per code for the stairs to be there. Discussion noted that Mr. McCoy would not have to correct the current balustrade [which does not meet code] however if he were to rebuild it he could rebuild it era appropriate with an approved Certificate of Appropriateness, lacking that, to building code. There was discussion surrounding alternate mitigation and future options. Crista Cuccaro clarified that the stairs were pre-existing but they were not *legally* pre-existing nonconforming, as they were not permitted. It was noted that today the Commission needs to consider the stairs as if they were new construction (not yet constructed), further noting the landing was already there and is now identified as not *legally* pre-existing.

**Action: Comm. McAdams moved that the application submitted for 1335 Armstrong Avenue be denied based on the evidence submitted and the information provided in the staff report and as it is totally against what the neighborhood is trying to do as well as [given] the protections that are in place. The Motion was seconded by Comm. Eid with him noting that although it is always better to have a second stairway the work was not permitted. The Motion carried unanimously.**

**Result: Denied.** Mr. McCoy was advised that he can appeal the Commission’s decision to Chancery Court.

227 Leonard Pl - Construct rear roof addition (8-F-15-HZ)

**Discussion:** Ms. Graybeal noted there was an advertised site visit for this application on Monday April 18<sup>th</sup>. She further noted that as a result of this incident there has been a procedural change where dimensional drawings are now required for a building permit and Certificate of Appropriateness for any Level II applications submitted for any property with an H-1 overlay. It was clarified that the Commission had earlier approved (August 2015) a hip roof dormer large enough to accommodate a centered 2 by 2 window (reflected in the drawing included in the Agenda packet and which was submitted for the Certificate of Appropriateness). The existing rear dormer addition has a gabled roof and is 13 ft. long by 8 ft. deep by 10 ft. high. Owner Carl Lansden was present and had no comment at this time. Ms. Graybeal clarified that what was built [addition with gabled roof] was not what was submitted [dormer with hip roof].

Neighborhood representative James Pierce noted he was at the site visit and stated even with mitigation the structure violates most every design guideline on additions. The neighborhood feels the proposed rear mitigation would make it even less attractive and it should be considered by the Commission as is on its own based on the design guidelines, and further, that the neighborhood does not support this

structure. They simply want an approvable design. There was discussion surrounding a possible flaw in the current system as this inconsistency should have been flagged. Marty Clay noted Plans Review and Inspections would not have known what was there previously as the permit was for general repair (replace what was existing, such, drawings are not required). Ms. Cuccaro clarified that the purpose of a general repairs permit is to replace “in-kind”, essentially what is existing as a repair, which is why drawings are not required. She noted the contractor relayed to the permitting technicians that a general repair permit was what was needed, and it does not indicate any “repair to a dormer”. Ms. Graybeal noted the Certificate of Appropriateness does indicate that a hip roof dormer will be constructed. It was noted that was built clearly exceeded the scope of the permit issued to the contractor. It was again clarified that the approved Certificate of Appropriateness does denote construction of a dormer. Mr. Clay noted that the Applicant can modify the permit with prior approval from Plans Review and Inspections and have been required to do so in the past such that work completed is reflected in an approved permit. Comm. Woodle noted he agreed with the neighborhood representative that the project simply does not meet the guidelines and the work was not approved nor permitted. Comm. McAdams quoting design guidelines notes it does not meet No.’s 1, 3 and 6. 1 [not limited in size and scale in relationship to the building] and 3 [it does not meet the criteria of being distinguishable, removal would destroy some of the historic material], and 6 [it does cause a loss of historic character with the tremendous bump out the back] further noting the window is not centered which it would be in a dormer as originally approved. Adding design guideline No. 4, she noted that it is very obvious from 4<sup>th</sup> Street.

**Action: Comm. McAdams moved that the application submitted for 227 Leonard Place be denied based on the evidence submitted and the information provided in the staff report, specifically citing Design Guidelines No.’s 1,3, 4 and 6, and additionally that the window is not centered [as it would be in a dormer]. Comm. Eid seconded the Motion.** Comm. Carey stated he was conflicted noting it was unfortunate as the consequences of denial are so high, but also noted it clearly does not meet the guidelines. Crista Cuccaro noted the Applicant’s options are that they can return to the Commission with a different application or appeal the decision to Chancery Court within 60 days.  
**Comm. Chair Matthews called for a vote on the Motion on the floor. The Motion carried unanimously.**

**Result: Denied.**

### **Reynolds (Major) Drive Landmark H-1**

0 Major Reynolds Place - new construction (4-F-16-HZ)

**Discussion:** Ms. Graybeal noted the application is for new construction which Knollwood would overlook. The design guidelines focus on the site design, parking, HVAC unit screening, and landscaping, but not actual building design. The landscape plan was passed around to the Commissioners. Applicant Jake Thomas was present and had nothing further to add. He believes their project would be approximately 1 to 2 feet higher than Bravo. He clarified the location of the proposed HVAC units. They would screen the HVAC similarly to Bravo and would use the front and side building parapet walls to disguise them. A concern was noted by Comm. Eid that the side parapets were very low and the western driveway climbs upwards, as well as that there was no protection at all at the rear, the most visible façade looking down [from Knollwood]. He was suggested that additional landscaping on the top of the hill would help to mitigate that. He also felt the trees along the western property line (looking at view #5) would block the only open view to Knollwood, and perhaps they can be utilized in another location.

It was noted the proposed trees do not grow very high and are similar in height to others along this part of the road. There was further discussion surrounding the HVAC screening, particularly the side parapets, also noting the angle of visibility here is a challenge.

**Action: Comm. Eid moved that the application submitted for 0 Major Reynolds Place be approved based on the evidence submitted and the information provided in the staff report with the condition that the Applicant work with staff as the design develops to further review the [HVAC] screening and the height of the side parapets (for approval). The Motion was seconded by Comm. Woodle. The Motion carried unanimously.**

**Result: Approved with condition.**

**S. W. Hall Bldg. -Market Square H-1**

2 Market Square - façade renovation (4-E-16-HZ)

**Discussion:** Applicant Nathan Honeycutt, architect, was present and noted they understand the importance of this location to the community and wanted to keep the design respectful of the building and as simple as possible. He noted the second story is very nondescript and provides no guidance. Further, he noted, that the current storefront system was not properly installed and is in very poor shape. He noted the canopies were to provide sun shade but also break up the elevations. They also proposed visible yet understated signage. Ms. Graybeal briefly reviewed the proposed signage. Comm. Eid expressed concern that the rubbed concrete finish would be too industrial or raw for Market Square and felt that that finish be could be reevaluated. It was noted that the existing vents are not serving any purpose and their goal is for them to go away. Mr. Honeycutt noted they could provide additional options as well as the proposed finish option in a mock up. It was suggested that a publically advertised site visit could occur to review the proposed, and other, finish options. It was noted that the application was sent to the new Market Square District Association representative who did indicate it was received it but did have any comments.

**Action: Comm. Eid moved that the application submitted for 2 Market Square be approved based on the evidence submitted and the information provided in the staff report with the condition that the rubbed concrete or other finish options be reviewed at a later date [with the Commission at a publicly advertised meeting, date/time to be determined].The Motion was seconded by Comm. Woodle. The Motion carried unanimously.**

**Result: Approved with condition.**

**Recommendation on Rezoning to H-1**

301 State Street - Cal Johnson Building (1F-16-RZ)

**Discussion:** Ms. Graybeal noted as in the earlier discussion in the meeting the Historic Zoning Commission is tasked with reviewing the historic designation report provided in the package and determining whether or not the Cal Johnson building has sufficient historic significance to be worthy of an H-1 historic landmark nomination, and that the Commission's recommendation on the historic significance would be provided to City Council at a future meeting date. She noted the Commission's review of this is advisory only and it does vote on an opinion to send forward as information for the Council as they consider rezoning to H-1 overlay. The existing zoning on the property is C2 with a Downtown Design (D-1) overlay and the proposal is to retain a C2 but with an H-1 overlay, but maintaining in the Downtown Design overlay district guidelines [which are included in the packet] on the property.

This building is within the Gay Street National Register historic district; therefore, the Downtown Design Review Board historic resource guidelines apply. The staffs' recommendation is that indeed the building does have sufficient historic significance to warrant its being designated as a landmark with H-1 overlay. She reviewed the history and other pertinent facts about the building and noted it does contribute, and is

already designated as such, to the historic fabric of Gay Street also noting that the H-1 overlay is the zoning piece that the Council will decide if appropriate, if it is taken to Council. Comm. Carey noted his concern regarding his understanding of when the Commission earlier decided not to postpone consideration of this request that there was only going to be a vote today on the historical significance of the building, which he also noted, no one can reasonably deny.

Crista Cuccaro read the City ordinance regarding the creation of H-1 overlay districts which specifically states that the Historic Zoning Commission shall review the requests for designation or removal of designation and shall advise City Council of their recommendation concerning designation for the H-1 historic overlay. In the case of a request for designation the City Historic Zoning Commission shall review the request based on the criteria for selection contained in Article 4 Section 5.1.F of this ordinance, then reviewed those criteria. In summary, the Commission is tasked with identifying whether or not an H-1 overlay is appropriate [according to the criteria].

Property owner Jed Dance noted he has assured the City they have no intention of tearing this building down, which he feels is the City's biggest concern, also noting they are currently working with the City on a plan for the building. They do not want the H-1 overlay as that could be burdensome and further noted the building already falls under the Downtown Design guidelines. He stated over the years the City and County have both tried to demolish the building and it was his family that kept the building standing. Crista Cuccaro clarified that in the administrative rules, the Code specifically says that the City Council of the City or the Mayor or the owner of the subject property shall have the authority to initiate applications for an H-1 overlay designation. Therefore, the Code gives more entities than the property owner authority to make the application.

Bill Lyons, Deputy to the Mayor, noted that it was a completely separate administration that would have pursued demolition. The current administration feels very strongly that this building is historically significant and that it merits protection for the reasons laid out in the application and the reasons articulated and referenced here today. Adding to their concern is the length of time that this building has been vacant. They are currently working with the owner on the design. He stated that Mr. Dance is correct, the City has been in talks with him for a number of years and he is recently come in with an architect with some drawings that look very promising. He noted they do not feel the Dance family intends to tear the building down at this time. They do not want to burden him with added [design] guidelines and noted that should he come back before the Commission with an application for this property it would be reviewed using the Downtown Design guidelines, noting sensitivity to Mr. Dance that that the City does not want to add to or change the development burden at all. Kim Trent, Knox Heritage, expressed some frustration that the traditional, and expected, process did not occur here; that [an application] goes to Historic Zoning Commission first, then to the MPC, then to City Council. She asked that if that process is to change can the public please be notified. She agrees that this building is clearly historically significant and noted it is also rare, being completely unique to Knoxville. She noted Knox Heritage has been trying to save this building for 20 years, the events of which she reviewed in some detail, and expressed frustration that nothing has really happened. She supports the H-1 overlay as it prevents demolition, and also supports the adoption the D1 guidelines for use in reviewing in any applications submitted for the property [further noting that the Downtown Design Review Board can no longer hear applications for demolition]. She also stated that an H-1 overlay does not restrict development, noting Market Square as a whole as an example.

She then stated an H-1 overlay just puts a protection in place for a building that is extremely important to the history of this community and especially to the African American Community as so much of their history has been destroyed by urban renewal and other efforts that have taken away the physical remnants of their history in this City. Comm. Cotham echoed Ms. Trent noting that the vast majority of

African American properties downtown have been destroyed by urban renewal.

**Action: Comm. Carey moved that the Commission deem this building as historically significant in nature, period.**

Comm. Carey again noted the process should have been to come through the Commission first. Comm. McAdams felt the Commission should guide City Council and recommend approval the H-1 overlay, which she says should be considered an honor, not a burden. Comm. Cotham stated he agreed that a Motion needs to say that the building is worthy of an H-1 [overlay], noting his concern about the buildings future.

There was further discussion surrounding the wording of a Motion, noting worthiness vs. recommending the overlay.

**Comm. Carey amended his Motion to include that the building is worthy of an H-1 overlay.**

**With no second, Comm. Chair Matthews noted the Motion fails.**

There was further discussion surrounding what the Commission is tasked with today with clarification from Crista Cuccaro that this body is simply making a recommendation to City Council on whether this application, and this building, meets the criteria set forth in the ordinance and therefore would it make sense, or not, for there to be an H-1 overlay, but, the overlay is decided by City Council. She also clarified to Mr. Dance that the City does not have to notify a property owner of any action on the recommendation on rezoning made by the Historic Zoning Commission, although public notice was provided pursuant to the code and requirements under state law.

**Comm. Woodle moved that the Commission approve a recommendation [to City Council] on rezoning [of the Cal Johnson Property] to H-1. The Motion was seconded by Comm. Cotham. The Motion carried with Comm. Carey voting no.**

**Result: Approved**

**Other Business:**

- Ms. Graybeal stated that Commissioners can contact her with any input/feedback Preservation Report 2015.
- The Commissioner training scheduled to follow this meeting will be held at a later date.
- Ms. Graybeal also noted the Historic Survey Update is underway with the Consultant hired to assist with the process and who has begun to perform a survey and inventory of the era of buildings to be added to the survey (mid-century modern) as well as confirm the existence and integrity of the buildings included in the original survey that are on the National Register.

**Action: Comm. Woodle moved to adjourn the meeting. The Motion was seconded by Comm. Cotham. The Motion carried unanimously and the meeting was adjourned.**